

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Alphonso Haynesworth, #286317,)	C/A NO. 2:10-2501-CMC-BHH
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
South Carolina Department of Corrections,)	
Evans Correctional Institute; John Ozmint;)	
Robert Ward; Willie Eagleton; G. Rogers;)	
Lt. Stonebreaker; Ofc. Joseph; A Graves;)	
and James S. Sligh, Jr.,)	
)	
Defendants.)	
)	

This matter is before the court on Plaintiffs' *pro se* complaint which was removed to this court pursuant to 28 U.S.C. § 1441(c).

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pre-trial proceedings and a Report and Recommendation ("Report"). On March 16, 2011, the Magistrate Judge issued a Report recommending that the amended complaint be remanded to the Richland County Court of Common Pleas. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. Plaintiff filed "Objections" to the Report on March 28, 2011.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo*

determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and the “Objections” of Plaintiff, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff’s “objections” to the Report are, in reality, his agreement therewith. Therefore, this matter is hereby remanded to the Richland County Court of Common Pleas.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 8, 2011